



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/735,705    10/23/96    ANDERSON    E    P109/513US

LMC1/1123

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TWO NORTH MARKET STREET  
THIRD FLOOR  
SAN JOSE CA 95113

EXAMINER

HO, T

ART UNIT    PAPER NUMBER

2712

DATE MAILED:

20  
11/23/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/735,705

Applicant(s)

Aderson et al

Examiner

Tuan Ho

Group Art Unit  
2712



☒ Responsive to communication(s) filed on Sep 20, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-15 and 37-42 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 and 37-42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2712

1. The request filed on 9/20/99 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/735,705 is acceptable and a CPA has been established. An action on the CPA follows.
2. Applicant's arguments with respect to claims 1-15 and 37-42 have been considered but are moot in view of the new ground(s) of rejection.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al '072.

With regard to claim 1, Kuba et al discloses in Fig. 83, a recording and reproducing apparatus which comprises the same capturing device (external input, col. 36, lines 15+, col. 37, lines 64+ and col. 38, lines 1-9), manager device (system control 72, col. 38, line 13 and col. 39, line 7+), data cell (col. 40, lines 3+ and Fig. 87), and processing device as claimed (system control 72 and reproduction circuit 72, col. 38, line 13).

Art Unit: 2712

Kuba does not explicitly disclose any parallel processing which processes image data in the data cell while capturing additional data. However, parallel processing is old and well known in the art for processing different data at the same time so as to speed up the process without waiting for one task to be finished (Official Notice is taken for the parallel process).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the system control 72 of Kuba et al so as to process the image data in the cell while taking additional data from the image sensor. This is because the parallel process would allow a user to speed up the process of taking consecutive pictures.

With regard to claim 2, Kuba et al discloses in Fig. 83, a recording and reproducing apparatus which comprises the same manager device (col. 2, line 21+).

With regard to claims 3 and 4, Kuba et al discloses in Fig. 83, a recording and reproducing apparatus which comprises the same manager device (col. 47, line 21+).

With regard to claim 5, Kuba et al discloses in Fig. 83, a recording and reproducing apparatus which comprises the same manager device (col. 47, line 21+).

Claims 6-15 recite what was previously discussed with respect to claims 1-5.

With regard to claims 37, 39 and 41, Kuba et al discloses in Fig. 83, a recording and reproducing apparatus which comprises the same capturing device (col. 38, line 29+).

With regard to claim 38, 40 and 42, Kuba et al discloses in Fig. 83, a recording and reproducing apparatus which comprises the same compressing the image data (col. 38, line 29+).

Art Unit: 2712

4. This action is not made Final since a new ground of rejection.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (703) 305-4943. The examiner can normally be reached on Monday-Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Application/Control Number: 08/735,705

Page 5

Art Unit: 2712

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November 22, 1999



TUAN HO  
PRIMARY EXAMINER